
SENATE BILL 5625

State of Washington

57th Legislature

2001 Regular Session

By Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles; by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education

Read first time 01/29/2001. Referred to Committee on Education.

1 AN ACT Relating to academic achievement and accountability
2 commission accountability system recommendations; amending RCW
3 28A.655.030, 28A.300.040, 28A.505.120, 28A.400.010, 28A.400.030,
4 28A.400.100, 28A.400.300, 28A.405.210, 28A.405.220, 28A.405.230,
5 28A.150.020, 28A.320.010, 28A.320.015, 28A.320.035, 28A.315.005,
6 28A.315.015, 28A.315.025, 28A.225.210, 28A.225.270, and 41.59.910;
7 reenacting and amending RCW 28A.225.220; adding new sections to
8 chapter 28A.655 RCW; adding a new section to chapter 41.56 RCW;
9 adding a new section to chapter 41.59 RCW; creating a new section;
10 repealing RCW 28A.655.035 and 28A.655.050; and providing an
11 effective date.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 NEW SECTION. **Sec. 1.** The legislature finds that the most
14 important purpose of an accountability system is to promote the
15 improvement of student achievement so that all students achieve
16 the state's four learning goals and meet or exceed the specific
17 academic standards measured by the elementary, middle, and high
18 school assessments. Continuous improvement with a clear focus on

1 student achievement should be the basis for the accountability
2 system. Local responsibility and local control will be respected
3 and supported so that school districts have the flexibility
4 necessary to implement improvements. State level involvement will
5 emphasize monitoring, assistance, and technical support. At the
6 same time, the legislature further finds that if state
7 intervention is necessary in schools that persistently fail to
8 show adequate achievement or sufficient improvement in student
9 learning, the state must be equipped to effectively implement
10 interventions on behalf of the students. The assistance and
11 intervention system for schools and districts in which progress is
12 not satisfactory should consist of three distinct phases: Intensive
13 voluntary focused assistance provided to identified schools in
14 which assistance is requested; intensive nonvoluntary focused
15 assistance for identified schools in which low performance
16 persists; and in egregious cases in which low student performance
17 continues to persist and school improvements are not occurring,
18 more intensive state intervention in the school or school
19 system. All students should be given the opportunity to benefit
20 from improved instructional strategies and curricula aligned with
21 the state academic standards so that they become equipped to live,
22 learn, and work successfully in the twenty-first century.

23 **Sec. 2.** RCW 28A.655.030 and 1999 c 388 s 102 are each amended to
24 read as follows:

25 The powers and duties of the academic achievement and
26 accountability commission shall include, but are not limited to
27 the following:

28 (1) For purposes of statewide accountability, the commission
29 shall:

30 (a) Adopt and revise performance improvement goals in reading,
31 writing, science, and mathematics by subject and grade level as
32 the commission deems appropriate to improve student learning, once
33 assessments in these subjects are required statewide. The goals
34 shall be in addition to any goals adopted in RCW 28A.655.050. The
35 commission may also revise any goal adopted in RCW 28A.655.050. The
36 commission may adopt and revise goals for dropout rates and
37 reduction of dropout rates for middle schools, junior high

1 schools, and high schools. The commission may adopt and revise
2 goals designed to accelerate the achievement of students from
3 various racial, ethnic, and socioeconomic backgrounds who are
4 disproportionately academically underachieving. The commission
5 shall adopt the goals by rule. However, before each goal is
6 implemented, the commission shall present the goal to the
7 education committees of the house of representatives and the
8 senate for the committees' review and comment in a time frame that
9 will permit the legislature to take statutory action on the goal
10 if such action is deemed warranted by the legislature;

11 (b) Identify the scores students must achieve in order to meet
12 the standard on the Washington assessment of student learning and
13 determine student scores that identify levels of student
14 performance below and beyond the standard. The commission shall set
15 such performance standards and levels in consultation with the
16 superintendent of public instruction and after consideration of
17 any recommendations that may be developed by any advisory
18 committees that may be established for this purpose;

19 (c) Adopt objective, systematic criteria to identify successful
20 schools and school districts and recommend to the superintendent
21 of public instruction schools and districts to be recognized for
22 two types of accomplishments, student achievement and improvements
23 in student achievement. Recognition for improvements in student
24 achievement shall include consideration of one or more of the
25 following accomplishments:

26 (i) An increase in the percent of students meeting standards.
27 The level of achievement required for recognition may be based on
28 the achievement goals established by the legislature under RCW
29 28A.655.050 and the commission under (a) of this subsection;

30 (ii) Positive progress on an improvement index that measures
31 improvement in all levels of the assessment; and

32 (iii) Improvements despite challenges such as high levels of
33 mobility, poverty, English as a second language learners, and
34 large numbers of students in special populations as measured by
35 either the percent of students meeting the standard, or the
36 improvement index.

37 When determining the baseline year or years for recognizing

1 individual schools, the commission may use the assessment results
2 from the initial years the assessments were administered, if doing
3 so with individual schools would be appropriate;

4 (d) Adopt objective, systematic criteria to identify schools
5 and school districts in need of assistance and those in which
6 significant numbers of students persistently fail to meet state
7 standards, and to identify schools that may be directed to accept
8 focused assistance as provided for under section 3(3) of this
9 act. In its deliberations, the commission shall consider the use of
10 all statewide mandated criterion-referenced and norm-referenced
11 standardized tests;

12 (e) Identify, based on the results of the evaluation conducted
13 under section 6 (3) and (4) of this act, schools and school
14 districts in which state intervention measures will be needed and
15 a range of appropriate intervention strategies, beginning no
16 earlier than ((June 30, 2001, and after the legislature has
17 authorized a set of intervention strategies)) September 15,
18 2003. Beginning no earlier than ((June 30, 2001, and after the
19 legislature has authorized a set of intervention strategies))
20 September 15, 2003, at the request of the commission, the
21 superintendent shall intervene in the school or school district
22 and take corrective actions(~~(. This chapter does not provide~~
23 ~~additional authority for the commission or the superintendent of~~
24 ~~public instruction to intervene in a school or school district));~~

25 (f) Identify performance incentive systems that have improved
26 or have the potential to improve student achievement;

27 (g) Annually review the assessment reporting system to ensure
28 fairness, accuracy, timeliness, and equity of opportunity,
29 especially with regard to schools with special circumstances and
30 unique populations of students, and a recommendation to the
31 superintendent of public instruction of any improvements needed to
32 the system;

33 (h) Annually report by December 1st to the legislature, the
34 governor, the superintendent of public instruction, and the state
35 board of education on the progress, findings, and recommendations
36 of the commission. The report may include recommendations of
37 actions to help improve student achievement;

38 (i) By December 1, 2000, and by December 1st annually

1 thereafter, report to the education committees of the house of
2 representatives and the senate on the progress that has been made
3 in achieving the reading goal under RCW 28A.655.050 and any
4 additional goals adopted by the commission;

5 (j) Coordinate its activities with the state board of education
6 and the office of the superintendent of public instruction;

7 (k) Seek advice from the public and all interested educational
8 organizations in the conduct of its work; and

9 (l) Establish advisory committees, which may include persons
10 who are not members of the commission;

11 (2) Holding meetings and public hearings, which may include
12 regional meetings and hearings;

13 (3) Hiring necessary staff and determining the staff's duties
14 and compensation. However, the office of the superintendent of
15 public instruction shall provide staff support to the commission
16 until the commission has hired its own staff, and shall provide
17 most of the technical assistance and logistical support needed by
18 the commission thereafter. The office of the superintendent of
19 public instruction shall be the fiscal agent for the commission.
20 The commission may direct the office of the superintendent of
21 public instruction to enter into subcontracts, within the
22 commission's resources, with school districts, teachers, higher
23 education faculty, state agencies, business organizations, and
24 other individuals and organizations to assist the commission in
25 its deliberations; and

26 (4) Receiving per diem and travel allowances as permitted under
27 RCW 43.03.050 and 43.03.060.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.655
29 RCW to read as follows:

30 (1) The academic achievement and accountability commission,
31 with the assistance of the superintendent of public instruction,
32 shall annually analyze assessment results. The analysis shall
33 include but not be limited to consideration of the levels of
34 achievement and levels of improvement on criterion-referenced and
35 norm-referenced assessments required statewide. The purposes of the
36 analysis shall be:

1 (a) To identify successful schools and school districts based
2 on criteria adopted by the commission;

3 (b) To identify schools in need of focused assistance, based on
4 criteria adopted by the commission;

5 (c) After September 15, 2003, to help identify schools and
6 school districts in which more intensive state intervention
7 strategies are needed; and

8 (d) To develop other information the commission deems
9 appropriate in pursuit of the fulfillment of its responsibility to
10 provide oversight of the state's educational accountability
11 system.

12 (2) Based on the results of the commission's analysis of
13 relevant criteria conducted pursuant to subsection (1)(b) of this
14 section, the commission shall determine which schools shall be
15 prioritized as having the highest need for focused
16 assistance. Subject to available appropriations and the
17 determination made under this subsection, the commission shall
18 determine the number of schools eligible for focused assistance
19 annually by September 15th.

20 (3) After September 15, 2002, the commission shall annually
21 analyze assessment results of any schools that were notified the
22 previous year of their eligibility for focused assistance but
23 which did not receive focused assistance in the previous year due
24 to the school district's decision to decline the assistance. Based
25 on the analysis conducted under this subsection, if the commission
26 determines the students in a school are not making sufficient
27 progress toward improved achievement, the commission may direct
28 the school district to accept focused assistance on behalf of the
29 eligible school under the terms of a performance
30 agreement. Performance agreements developed under circumstances
31 outlined in this subsection shall be developed by the
32 superintendent of public instruction, in consultation with the
33 school district, and approved by the commission.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.655
35 RCW to read as follows:

36 (1) If the academic achievement and accountability commission
37 determines that a school is eligible for focused assistance based

1 on assistance criteria adopted by the commission, the commission
2 shall notify the school district within which the eligible school
3 is located of such eligibility. School districts with a school that
4 the commission has determined is eligible for focused assistance
5 may request focused assistance under this section by notifying the
6 superintendent of public instruction. Before a performance
7 agreement is approved, the office of the superintendent of public
8 instruction and the commission or its designee shall conduct a
9 second level of analysis using local assessment and program data
10 and other information provided by the district.

11 (2)(a) The superintendent of public instruction or the
12 superintendent's designee shall negotiate the terms of a
13 performance agreement with a school district requesting focused
14 assistance.

15 (b) The superintendent of public instruction or the
16 superintendent's designee shall develop a performance agreement,
17 in consultation with a school district, when a district is
18 required by the commission to accept focused assistance.

19 (c) All such performance agreements shall be subject to
20 approval by the commission.

21 (3) Focused assistance, as outlined in this chapter, shall be
22 available to a school district on behalf of an eligible school
23 solely on the basis of, and in accordance with all terms and
24 conditions of, a performance agreement. Focused assistance shall
25 not be provided to any school district in a given academic year
26 unless a performance agreement is approved within one hundred
27 eighty days of the date the district was notified by the
28 commission that an eligible school was located within that school
29 district.

30 (4) The duration of a performance agreement shall be two years
31 and may be renewed by the superintendent of public instruction and
32 the school district board of directors, with the approval of the
33 commission. The focus of a performance agreement shall be what the
34 state, district, and school must do to improve the performance of
35 students in eligible schools in the district to achieve mastery of
36 the essential academic learning requirements. Performance
37 agreements shall include:

38 (a) A needs assessment;

1 (b) An improvement plan, that shall include but not be limited
2 to:

3 (i) Student performance goals and expectations for the two-year
4 period of the agreement;

5 (ii) How existing funds can be used more effectively;

6 (iii) The most significant barriers to improvement and how
7 those barriers will be addressed;

8 (iv) What actions the district needs to take to assist the
9 school;

10 (v) Whether students attending the school have the choice of
11 transferring to other public schools in the district, and whether
12 this choice includes free bus transportation;

13 (vi) Who is responsible for implementing the specific actions
14 in the plan; and

15 (vii) Whether waivers of state laws or local policies and
16 agreements are needed. Waiver provisions in existence prior to
17 January 1, 2001, are to be used to obtain the waivers, under an
18 expedited decision-making process if necessary; and

19 (c) Measurable benchmarks with a timeline for completion
20 against which the district, schools, and the state are required to
21 show progress for all students.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.655
23 RCW to read as follows:

24 (1) Assistance provided under the terms of a performance
25 agreement under section 4 of this act is limited to specific, cost-
26 effective strategies for improving student achievement, or to
27 specific promising strategies that are part of a rigorous and
28 ongoing evaluation. Subject to available funding, financial
29 assistance shall be provided by the state if the superintendent of
30 public instruction and the academic achievement and accountability
31 commission find that funds currently available to the district on
32 behalf of the eligible school are being used effectively and that
33 additional funds are necessary.

34 (2) Focused assistance options and actions available to the
35 district and the office of the superintendent of public
36 instruction which a performance agreement may stipulate include,
37 but are not limited to:

- 1 (a) Changes in the school's curriculum and instructional
- 2 practices, including implementing a whole school reform model;
- 3 (b) Additional funds for staff collaboration, planning, and
- 4 training;
- 5 (c) Additional funds for instructional materials;
- 6 (d) Additional funds for employee compensation;
- 7 (e) Additional learning opportunities for students;
- 8 (f) Providing students attending the school with the choice of
- 9 transferring to other public schools in the district, with or
- 10 without free bus transportation;
- 11 (g) Personnel changes;
- 12 (h) Reallocation of financial resources;
- 13 (i) Waivers of specific state laws and local policies and
- 14 agreements;
- 15 (j) Increasing fiscal flexibility at the school site;
- 16 (k) Hiring a short-term principal/teacher replacement team that
- 17 would provide free time for the principal and teachers for staff
- 18 collaboration, planning, and training; and
- 19 (l) In the most egregious situations, closing and
- 20 reconstituting the school, which could include:
- 21 (i) Replacing the existing principal;
- 22 (ii) Replacing some or all of the staff; and
- 23 (iii) Contracting out the management of the school.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.655
25 RCW to read as follows:

26 (1) The academic achievement and accountability commission or
27 its designee shall analyze the implementation of a performance
28 agreement one year after the performance agreement is approved. The
29 focus of this analysis is on the degree to which benchmarks and
30 timelines in the agreement have been met.

31 (2) Two years after a performance agreement is approved, the
32 commission shall analyze progress on the performance agreement
33 benchmarks and whether students in the school receiving focused
34 assistance met or exceeded the student performance expectations
35 provided in the agreement.

36 (3) After focused assistance has been provided for two years to
37 a school district on behalf of an eligible school, if student

1 performance does not meet or exceed the levels stipulated in the
2 performance agreement and the commission determines the school and
3 school district are not making sufficient progress on the
4 benchmarks in the performance agreement, the commission or its
5 designee shall conduct a more in-depth evaluation.

6 (4) The evaluation conducted under subsection (3) of this
7 section shall use multiple sources of information that may
8 include, but are not limited to:

- 9 (a) Student achievement from district or school assessments;
- 10 (b) The level of improvement in student achievement over time;
- 11 (c) Student mobility and poverty;
- 12 (d) Attendance;
- 13 (e) Dropout and graduation rates, if applicable and available;
- 14 (f) Posthigh school indicators, if applicable and available;
- 15 (g) The percent of students in special programs; and
- 16 (h) Other factors presented by individual districts or schools.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.655
18 RCW to read as follows:

19 (1) At the request of the academic achievement and
20 accountability commission and as provided in RCW 28A.655.030(1)(e)
21 and 28A.300.040, and based on the results of the evaluation
22 conducted under section 6 (3) and (4) of this act, the
23 superintendent of public instruction shall intervene in a school
24 or school district deemed by the commission to be making
25 insufficient progress in improving student learning and to have
26 made insufficient progress implementing the performance agreement.

27 (2) The range of appropriate state intervention strategies
28 selected by the commission for particular schools and school
29 districts and implemented by the superintendent of public
30 instruction may include any and all actions deemed by the
31 superintendent and the commission to be necessary to improve
32 student learning.

33 (3) The state intervention strategies authorized by this act
34 include any provisions that may be contained in a performance
35 agreement and further include, but shall not be limited to:

- 36 (a) Withholding of funds;
- 37 (b) Reconstitution of school district personnel;

1 (c) Removal of particular schools from the school district
2 jurisdiction and establishment of alternative arrangements for
3 public governance and supervision of such schools;

4 (d) Appointment by the superintendent of public instruction of
5 a receiver or trustee to administer the affairs of the district in
6 place of the school district superintendent and school board;

7 (e) Abolition or restructuring of the school district;

8 (f) Authorizing student transfers to other schools and school
9 districts; and

10 (g) Development of a plan by the superintendent of public
11 instruction that addresses student performance problems and that
12 specifies state and school district responsibilities under the
13 plan.

14 (4) The parent or guardian of a student enrolled at a school in
15 which the commission has authorized any state intervention
16 strategies pursuant to this section shall be given the choice to
17 transfer the student to another public school in the same district
18 or in a public school in an adjacent district, subject to the
19 following conditions and limitations:

20 (a) The school district with jurisdiction over the school to
21 which the student seeks to transfer determines there is adequate
22 space at the chosen school to accommodate the transfer student;
23 and

24 (b) A student transferring to a school under this section may
25 only be offered free transportation if:

26 (i) The superintendent of public instruction determines that
27 free transportation is appropriate in the case of the individual
28 student; and

29 (ii) The transportation is paid in full by the state.

30 (5) The commission shall closely monitor and evaluate the
31 effect of the choice program developed under subsection (4) of
32 this section.

33 **Sec. 8.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
34 read as follows:

35 In addition to any other powers and duties as provided by law,
36 the powers and duties of the superintendent of public instruction
37 shall be:

1 (1) To have supervision over all matters pertaining to the
2 public schools of the state;

3 (2) To report to the governor and the legislature such
4 information and data as may be required for the management and
5 improvement of the schools;

6 (3) To prepare and have printed such forms, registers, courses
7 of study, rules for the government of the common schools, and such
8 other material and books as may be necessary for the discharge of
9 the duties of teachers and officials charged with the
10 administration of the laws relating to the common schools, and to
11 distribute the same to educational service district
12 superintendents;

13 (4) To travel, without neglecting his or her other official
14 duties as superintendent of public instruction, for the purpose of
15 attending educational meetings or conventions, of visiting
16 schools, of consulting educational service district
17 superintendents or other school officials;

18 (5) To prepare and from time to time to revise a manual of the
19 Washington state common school code, copies of which shall be
20 provided in such numbers as determined by the superintendent of
21 public instruction at no cost to those public agencies within the
22 common school system and which shall be sold at approximate actual
23 cost of publication and distribution per volume to all other
24 public and nonpublic agencies or individuals, said manual to
25 contain Titles 28A and 28C RCW, rules related to the common
26 schools, and such other matter as the state superintendent or the
27 state board of education shall determine. Proceeds of the sale of
28 such code shall be transmitted to the public printer who shall
29 credit the state superintendent's account within the state
30 printing plant revolving fund by a like amount;

31 (6) To act as ex officio member and the chief executive officer
32 of the state board of education;

33 (7) To file all papers, reports and public documents
34 transmitted to the superintendent by the school officials of the
35 several counties or districts of the state, each year separately.
36 Copies of all papers filed in the superintendent's office, and the
37 superintendent's official acts, may, or upon request, shall be

1 certified by the superintendent and attested by the
2 superintendent's official seal, and when so certified shall be
3 evidence of the papers or acts so certified to;

4 (8) To require annually, on or before the 15th day of August,
5 of the president, manager, or principal of every educational
6 institution in this state, a report as required by the
7 superintendent of public instruction; and it is the duty of every
8 president, manager or principal, to complete and return such forms
9 within such time as the superintendent of public instruction shall
10 direct;

11 (9) To keep in the superintendent's office a record of all
12 teachers receiving certificates to teach in the common schools of
13 this state;

14 (10) To issue certificates as provided by law;

15 (11) To keep in the superintendent's office at the capital of
16 the state, all books and papers pertaining to the business of the
17 superintendent's office, and to keep and preserve in the
18 superintendent's office a complete record of statistics, as well
19 as a record of the meetings of the state board of education;

20 (12) With the assistance of the office of the attorney general,
21 to decide all points of law which may be submitted to the
22 superintendent in writing by any educational service district
23 superintendent, or that may be submitted to the superintendent by
24 any other person, upon appeal from the decision of any educational
25 service district superintendent; and the superintendent shall
26 publish his or her rulings and decisions from time to time for the
27 information of school officials and teachers; and the
28 superintendent's decision shall be final unless set aside by a
29 court of competent jurisdiction;

30 (13) To administer oaths and affirmations in the discharge of
31 the superintendent's official duties;

32 (14) To deliver to his or her successor, at the expiration of
33 the superintendent's term of office, all records, books, maps,
34 documents and papers of whatever kind belonging to the
35 superintendent's office or which may have been received by the
36 superintendent's for the use of the superintendent's office;

37 (15) To administer family services and programs to promote the
38 state's policy as provided in RCW 74.14A.025;

1 (16) To negotiate or develop and enter into contracts with
2 school districts to implement performance agreements providing
3 focused assistance pursuant to chapter 28A.655 RCW and to
4 implement state intervention strategies requested and approved by
5 the academic achievement and accountability commission and
6 authorized under chapter 28A.655 RCW; and

7 (17) To perform such other duties as may be required by law.

8 **Sec. 9.** RCW 28A.505.120 and 1975-'76 2nd ex.s. c 118 s 12 are each
9 amended to read as follows:

10 (1) If a local school district fails to comply with any binding
11 restrictions issued by the superintendent of public instruction,
12 the allocation of state funds for support of the local school
13 district may be withheld, pending an investigation of the reason
14 for such noncompliance by the office of the superintendent of
15 public instruction. Written notice of the intent to withhold state
16 funds, with reasons stated for this action, shall be made to the
17 school district by the office of the superintendent of public
18 instruction before any portion of the state allocation is
19 withheld.

20 (2) If a local school district is deemed by the academic
21 achievement and accountability commission, as provided in sections
22 4 through 7 of this act, to have made insufficient progress
23 improving student learning and insufficient progress implementing
24 a performance agreement, the allocation of all or a portion of
25 nonbasic education state funds may be withheld from the local
26 school district pending a determination by the commission that
27 withholding such funds is no longer an appropriate state
28 intervention strategy for the improvement of student learning in
29 the affected school district. Written notice of the intent to
30 withhold such state funds, with reasons stated for this action,
31 shall be made to the school district by the office of the
32 superintendent of public instruction at the request of the
33 commission before any portion of the state allocation is withheld.

34 **Sec. 10.** RCW 28A.400.010 and 1990 c 33 s 376 are each amended to
35 read as follows:

1 Except as what may be provided under sections 5 and 7 of this
2 act, in all districts:

3 (1) The board of directors shall elect a superintendent who
4 shall have such qualification as the local school board alone
5 shall determine. The superintendent shall have supervision over the
6 several departments of the schools thereof and carry out such
7 other powers and duties as prescribed by law.

8 (2) Notwithstanding the provisions of RCW 28A.400.300(1), the
9 board may contract with such superintendent for a term not to
10 exceed three years when deemed in the best interest of the
11 district. The right to renew a contract of employment with any
12 school superintendent shall rest solely with the discretion of the
13 school board employing such school superintendent. Regarding such
14 renewal of contracts of school superintendents the provisions of
15 RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be
16 inapplicable.

17 **Sec. 11.** RCW 28A.400.030 and 1991 c 116 s 14 are each amended to
18 read as follows:

19 In addition to such other duties as a district school board
20 shall prescribe and except as what may be provided under section 3
21 or 7 of this act the school district superintendent shall:

22 (1) Attend all meetings of the board of directors and cause to
23 have made a record as to the proceedings thereof.

24 (2) Keep such records and reports and in such form as the
25 district board of directors require or as otherwise required by
26 law or rule or regulation of higher administrative agencies and
27 turn the same over to his or her successor.

28 (3) Keep accurate and detailed accounts of all receipts and
29 expenditures of school money. At each annual school meeting the
30 superintendent must present his or her record book of board
31 proceedings for public inspection, and shall make a statement of
32 the financial condition of the district and such record book must
33 always be open for public inspection.

34 (4) Give such notice of all annual or special elections as
35 otherwise required by law; also give notice of the regular and
36 special meetings of the board of directors.

1 (5) Sign all orders for warrants ordered to be issued by the
2 board of directors.

3 (6) Carry out all orders of the board of directors made at any
4 regular or special meeting.

5 **Sec. 12.** RCW 28A.400.100 and 1977 ex.s. c 272 s 1 are each amended
6 to read as follows:

7 School districts may employ public school principals and/or
8 vice principals to supervise the operation and management of the
9 school to which they are assigned. Such persons shall hold valid
10 teacher and administrative certificates. In addition to such other
11 duties as shall be prescribed by law ~~((and))~~, by the job
12 description adopted by the board of directors, and as what may be
13 provided under section 3, 5, or 7 of this act, each principal
14 shall:

15 (1) Assume administrative authority, responsibility and
16 instructional leadership, under the supervision of the school
17 district superintendent, and in accordance with the policies of
18 the school district board of directors, for the planning,
19 management, supervision and evaluation of the educational program
20 of the attendance area for which he or she is responsible.

21 (2) Submit recommendations to the school district
22 superintendent regarding appointment, assignment, promotion,
23 transfer and dismissal of all personnel assigned to the attendance
24 area for which he or she is responsible.

25 (3) Submit recommendations to the school district
26 superintendent regarding the fiscal needs to maintain and improve
27 the instructional program of the attendance area for which he or
28 she is responsible.

29 (4) Assume administrative authority and responsibility for the
30 supervision, counseling and discipline of pupils in the attendance
31 area for which he or she is responsible.

32 **Sec. 13.** RCW 28A.400.300 and 1997 c 13 s 10 are each amended to
33 read as follows:

34 Every board of directors, unless otherwise specially provided
35 by law and except as what may be provided under section 5 or 7 of
36 this act, shall:

1 (1) Employ for not more than one year, and for sufficient cause
2 discharge all certificated and classified employees;

3 (2) Adopt written policies granting leaves to persons under
4 contracts of employment with the school district(s) in positions
5 requiring either certification or classified qualifications,
6 including but not limited to leaves for attendance at official or
7 private institutes and conferences and sabbatical leaves for
8 employees in positions requiring certification qualification, and
9 leaves for illness, injury, bereavement and, emergencies for both
10 certificated and classified employees, and with such compensation
11 as the board of directors prescribe: PROVIDED, That the board of
12 directors shall adopt written policies granting to such persons
13 annual leave with compensation for illness, injury and emergencies
14 as follows:

15 (a) For such persons under contract with the school district
16 for a full year, at least ten days;

17 (b) For such persons under contract with the school district as
18 part time employees, at least that portion of ten days as the
19 total number of days contracted for bears to one hundred eighty
20 days;

21 (c) For certificated and classified employees, annual leave
22 with compensation for illness, injury, and emergencies shall be
23 granted and accrue at a rate not to exceed twelve days per year;
24 provisions of any contract in force on June 12, 1980, which
25 conflict with requirements of this subsection shall continue in
26 effect until contract expiration; after expiration, any new
27 contract executed between the parties shall be consistent with
28 this subsection;

29 (d) Compensation for leave for illness or injury actually taken
30 shall be the same as the compensation such person would have
31 received had such person not taken the leave provided in this
32 proviso;

33 (e) Leave provided in this proviso not taken shall accumulate
34 from year to year up to a maximum of one hundred eighty days for
35 the purposes of RCW 28A.400.210 and 28A.400.220, and for leave
36 purposes up to a maximum of the number of contract days agreed to
37 in a given contract, but not greater than one year. Such

1 accumulated time may be taken at any time during the school year
2 or up to twelve days per year may be used for the purpose of
3 payments for unused sick leave.

4 (f) Sick leave heretofore accumulated under section 1, chapter
5 195, Laws of 1959 (former RCW 28.58.430) and sick leave
6 accumulated under administrative practice of school districts
7 prior to the effective date of section 1, chapter 195, Laws of
8 1959 (former RCW 28.58.430) is hereby declared valid, and shall be
9 added to leave for illness or injury accumulated under this
10 proviso;

11 (g) Any leave for injury or illness accumulated up to a maximum
12 of forty-five days shall be creditable as service rendered for the
13 purpose of determining the time at which an employee is eligible
14 to retire, if such leave is taken it may not be compensated under
15 the provisions of RCW 28A.400.210 and 28A.310.490;

16 (h) Accumulated leave under this proviso shall be transferred
17 to and from one district to another, the office of superintendent
18 of public instruction and offices of educational service district
19 superintendents and boards, to and from such districts and such
20 offices;

21 (i) Leave accumulated by a person in a district prior to
22 leaving said district may, under rules and regulations of the
23 board, be granted to such person when the person returns to the
24 employment of the district.

25 When any certificated or classified employee leaves one school
26 district within the state and commences employment with another
27 school district within the state, the employee shall retain the
28 same seniority, leave benefits and other benefits that the
29 employee had in his or her previous position: PROVIDED, That
30 classified employees who transfer between districts after July 28,
31 1985, shall not retain any seniority rights other than longevity
32 when leaving one school district and beginning employment with
33 another. If the school district to which the person transfers has a
34 different system for computing seniority, leave benefits, and
35 other benefits, then the employee shall be granted the same
36 seniority, leave benefits and other benefits as a person in that
37 district who has similar occupational status and total years of
38 service.

1 **Sec. 14.** RCW 28A.405.210 and 1996 c 201 s 1 are each amended to
2 read as follows:

3 (1) No teacher, principal, supervisor, superintendent, or other
4 certificated employee, holding a position as such with a school
5 district, hereinafter referred to as "employee", shall be employed
6 except by written order of a majority of the directors of the
7 district at a regular or special meeting thereof and as may be
8 provided under section 5 or 7 of this act, nor unless he or she is
9 the holder of an effective teacher's certificate or other
10 certificate required by law or the state board of education for
11 the position for which the employee is employed, nor unless his or
12 her employment with a school district is consistent with any and
13 all determinations made by the academic achievement and
14 accountability commission under the authority granted in sections
15 4 and 6 of this act and RCW 28A.655.030.

16 The board shall make with each employee employed by it a
17 written contract, which shall be in conformity with the laws of
18 this state, and except as otherwise provided by law, limited to a
19 term of not more than one year. Any employment contract approved
20 after September 1, 2001, that is inconsistent with any provision
21 of this act is null and void solely with respect to those
22 provisions in conflict with this act. Every such contract shall
23 be made in duplicate, one copy to be retained by the school
24 district superintendent or secretary and one copy to be delivered
25 to the employee. No contract shall be offered by any board for the
26 employment of any employee who has previously signed an employment
27 contract for that same term in another school district of the
28 state of Washington unless such employee shall have been released
29 from his or her obligations under such previous contract by the
30 board of directors of the school district to which he or she was
31 obligated. Any contract signed in violation of this provision shall
32 be void.

33 In the event it is determined that there is probable cause or
34 causes that the employment contract of an employee should not be
35 renewed by the district for the next ensuing term such employee
36 shall be notified in writing on or before May 15th preceding the
37 commencement of such term of that determination, or if the omnibus

1 appropriations act has not passed the legislature by May 15th,
2 then notification shall be no later than June 1st, which
3 notification shall specify the cause or causes for nonrenewal of
4 contract. Such determination of probable cause for certificated
5 employees, other than the superintendent, shall be made by the
6 superintendent or in accordance with the provisions of section 5
7 or 7 of this act. Such notice shall be served upon the employee
8 personally, or by certified or registered mail, or by leaving a
9 copy of the notice at the house of his or her usual abode with
10 some person of suitable age and discretion then resident therein.
11 Every such employee so notified, except employees notified
12 pursuant to the implementation of any provision of section 5 or 7
13 of this act, at his or her request made in writing and filed with
14 the president, chair, or secretary of the board of directors of
15 the district within ten days after receiving such notice, shall be
16 granted opportunity for hearing pursuant to RCW 28A.405.310 to
17 determine whether there is sufficient cause or causes for
18 nonrenewal of contract: PROVIDED, That any employee receiving
19 notice of nonrenewal of contract due to an enrollment decline or
20 loss of revenue may, in his or her request for a hearing,
21 stipulate that initiation of the arrangements for a hearing
22 officer as provided for by RCW 28A.405.310(4) shall occur within
23 ten days following July 15 rather than the day that the employee
24 submits the request for a hearing. If any such notification or
25 opportunity for hearing is not timely given, the employee entitled
26 thereto shall be conclusively presumed to have been reemployed by
27 the district for the next ensuing term upon contractual terms
28 identical with those which would have prevailed if his or her
29 employment had actually been renewed by the board of directors for
30 such ensuing term.

31 This section shall not be applicable to "provisional employees"
32 as so designated in RCW 28A.405.220; transfer to a subordinate
33 certificated position as that procedure is set forth in RCW
34 28A.405.230 shall not be construed as a nonrenewal of contract for
35 the purposes of this section.

36 (2) In the event that a determination is made pursuant to
37 section 5 or 7 of this act that there is probable cause that the

1 employment contract of an employee should not be renewed for the
2 ensuing term:

3 (a) Such employee shall be notified thereof in writing on or
4 before May 15th preceding the commencement of the school term, or
5 if the omnibus appropriations act has not passed the legislature
6 by May 15th, then notification shall be by June 1st, which
7 notification shall state the reason or reasons for such
8 determination. Such notice shall be served upon the employee
9 personally, or by certified or registered mail, or by leaving a
10 copy of the notice at the place of his or her usual abode with
11 some person of suitable age and discretion then resident therein.

12 (b) The determination of nonrenewal by the academic achievement
13 and accountability commission shall consider any evaluations
14 conducted pursuant to RCW 28A.405.100 and shall be in accordance
15 with the provisions of sections 4 and 6 of this act.

16 (c) Every such employee notified pursuant to this subsection,
17 at his or her request made in writing and filed with the
18 superintendent of the district within ten days after receiving
19 such notice, shall be given the opportunity to meet informally
20 with the superintendent for the purpose of requesting the
21 superintendent to recommend that the academic achievement and
22 accountability commission reconsider their decision. Such meeting
23 shall be held no later than ten days following the receipt of such
24 request, and the employee shall be given at least three days'
25 written notice of the date, time, and place of the meeting. At such
26 meeting the employee shall be given the opportunity to refute any
27 facts upon which the superintendent's or the academic achievement
28 and accountability commission's determination was based and to
29 make any argument in support of his or her request for
30 reconsideration.

31 (d) Within ten days following the meeting with the employee,
32 the superintendent shall either recommend to the superintendent of
33 public instruction that the employee be reinstated or shall submit
34 to the school district board of directors for consideration at its
35 next regular meeting a written report recommending that the
36 employment contract of the employee be nonrenewed and stating the
37 reason or reasons therefor. A copy of such report shall be
38 delivered to the employee at least three days before the scheduled

1 meeting of the board of directors. The district superintendent may
2 request an informal meeting with the superintendent of public
3 instruction to consider a recommendation to reinstate the
4 employee. The superintendent of public instruction shall consider
5 but is not required to grant such request for an informal meeting
6 with the district superintendent and the employee. In taking action
7 upon the recommendation of the superintendent or the direction of
8 the superintendent of public instruction and the commission, the
9 board of directors may consider any written communication that the
10 employee may file with the secretary of the board at any time
11 before that meeting.

12 (e) The board of directors shall notify the employee in writing
13 of its final decision and action within ten days following the
14 meeting at which the superintendent's recommendation or the
15 direction of the superintendent of public instruction and the
16 commission was considered. The action of the board of directors to
17 nonrenew the contract of an employee under this subsection shall
18 be final and not subject to appeal.

19 **Sec. 15.** RCW 28A.405.220 and 1996 c 201 s 2 are each amended to
20 read as follows:

21 Notwithstanding the provisions of RCW 28A.405.210, every person
22 employed by a school district in a teaching or other
23 nonsupervisory certificated position shall be subject to
24 nonrenewal of employment contract as provided in this section and
25 under section 5 or 7 of this act during the first two years of
26 employment by such district, unless the employee has previously
27 completed at least two years of certificated employment in another
28 school district in the state of Washington, in which case the
29 employee shall be subject to nonrenewal of employment contract
30 pursuant to this section during the first year of employment with
31 the new district or as may be provided pursuant to section 5 or 7
32 of this act. Employees as defined in this section shall hereinafter
33 be referred to as "provisional employees".

34 In the event the superintendent of the school district or the
35 academic achievement and accountability commission determines that
36 the employment contract of any provisional employee should not be
37 renewed by the district for the next ensuing term such provisional

1 employee shall be notified thereof by the district superintendent
2 in writing on or before May 15th preceding the commencement of
3 such school term, or if the omnibus appropriations act has not
4 passed the legislature by May 15th, then notification shall be no
5 later than June 1st, which notification shall state the reason or
6 reasons for such determination. Such notice shall be served upon
7 the provisional employee personally, or by certified or registered
8 mail, or by leaving a copy of the notice at the place of his or
9 her usual abode with some person of suitable age and discretion
10 then resident therein. ~~((The))~~ A determination ~~((of))~~ by the
11 superintendent of the school district shall be subject to the
12 evaluation requirements of RCW 28A.405.100. A determination by the
13 commission shall be made pursuant to section 5 or 7 of this act.

14 Every such provisional employee so notified, at his or her
15 request made in writing and filed with the superintendent of the
16 district within ten days after receiving such notice, shall be
17 given the opportunity to meet informally with the superintendent
18 for the purpose of requesting the superintendent to reconsider his
19 or her decision or consider recommending to the superintendent of
20 public instruction and the commission reinstatement of the
21 provisional employee. Such meeting shall be held no later than ten
22 days following the receipt of such request, and the provisional
23 employee shall be given written notice of the date, time and place
24 of meeting at least three days prior thereto. At such meeting the
25 provisional employee shall be given the opportunity to refute any
26 facts upon which the ~~((superintendent's))~~ determination was based
27 and to make any argument in support of his or her request for
28 reconsideration.

29 Within ten days following the meeting with the provisional
30 employee, the superintendent shall either reinstate the
31 provisional employee or shall recommend to the superintendent of
32 public instruction that the employee be reinstated or shall submit
33 to the school district board of directors for consideration at its
34 next regular meeting a written report recommending that the
35 employment contract of the provisional employee be nonrenewed and
36 stating the reason or reasons therefor. In the event the district
37 superintendent recommends reinstatement to the superintendent of
38 public instruction, the district superintendent may request an

1 informal meeting with the superintendent of public instruction to
2 present his or her reasons. Such request for an informal meeting
3 shall be considered by the superintendent of public instruction. A
4 copy of such report shall be delivered to the provisional employee
5 at least three days prior to the scheduled meeting of the board of
6 directors. In taking action upon the recommendation of the
7 superintendent, the board of directors shall consider any written
8 communication which the provisional employee may file with the
9 secretary of the board at any time prior to that meeting.

10 The board of directors shall notify the provisional employee in
11 writing of its final decision within ten days following the
12 meeting at which the superintendent's recommendation was
13 considered. The decision of the board of directors to nonrenew the
14 contract of a provisional employee shall be final and not subject
15 to appeal.

16 This section applies to any person employed by a school
17 district in a teaching or other nonsupervisory certificated
18 position after June 25, 1976. This section and sections 4 and 6 of
19 this act provide((s)) the exclusive means for nonrenewing the
20 employment contract of a provisional employee and no other
21 provision of law shall be applicable thereto, including, without
22 limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

23 **Sec. 16.** RCW 28A.405.230 and 1996 c 201 s 3 are each amended to
24 read as follows:

25 Any certificated employee of a school district employed as an
26 assistant superintendent, director, principal, assistant
27 principal, coordinator, or in any other supervisory or
28 administrative position, hereinafter in this section referred to
29 as "administrator", shall be subject to transfer, at the
30 expiration of the term of his or her employment contract or as may
31 be provided pursuant to section 5 or 7 of this act during the term
32 of such an employee's employment contract that took effect after
33 September 1, 2001, to any subordinate certificated position within
34 the school district. "Subordinate certificated position" as used
35 in this section, shall mean any administrative or
36 nonadministrative certificated position for which the annual

1 compensation is less than the position currently held by the
2 administrator.

3 Every superintendent determining that the best interests of the
4 school district would be served by transferring any administrator
5 to a subordinate certificated position, and every superintendent
6 notified that pursuant to section 5 or 7 of this act the academic
7 achievement and accountability commission has determined that the
8 best interests of the school district would be served by
9 transferring any administrator to a subordinate certificated
10 position shall notify that administrator in writing on or before
11 May 15th preceding the commencement of such school term of that
12 determination, or if the omnibus appropriations act has not passed
13 the legislature by May 15th, then notification shall be no later
14 than June 1st, which notification shall state the reason or
15 reasons for the transfer, and shall identify the subordinate
16 certificated position to which the administrator will be
17 transferred. Such notice shall be served upon the administrator
18 personally, or by certified or registered mail, or by leaving a
19 copy of the notice at the place of his or her usual abode with
20 some person of suitable age and discretion then resident therein.

21 Every such administrator so notified, at his or her request
22 made in writing and filed with the president or chair, or
23 secretary of the board of directors of the district within ten
24 days after receiving such notice, shall be given the opportunity
25 to meet informally with the board of directors in an executive
26 session thereof or with the superintendent of public instruction
27 as appropriate for the purpose of requesting the ((board to
28 reconsider)) reconsideration of the decision of the superintendent
29 or commission. Such board shall or the superintendent of public
30 instruction may, upon receipt of such request, ((shall)) schedule
31 the meeting for no later than the next regularly scheduled meeting
32 of the board or as soon as is practicable for the office of the
33 superintendent of public instruction to schedule a meeting for
34 this purpose, and ((shall)) notify the administrator in writing of
35 the date, time, and place of the meeting at least three days prior
36 thereto. At such meeting the administrator shall be given the
37 opportunity to refute any facts upon which the determination was
38 based and to make any argument in support of his or her request

1 for reconsideration. The administrator and the board or the
2 superintendent of public instruction may invite their respective
3 legal counsel to be present and to participate at the meeting. The
4 board shall notify the administrator in writing of its, or as
5 appropriate of the commission's, final decision within ten days
6 following its meeting with the administrator. No appeal to the
7 courts shall lie from the final decision of the board of directors
8 or commission to transfer an administrator to a subordinate
9 certificated position: PROVIDED, That in the case of principals,
10 except for any principal transferred pursuant to section 5 or 7 of
11 this act, such transfer shall be made at the expiration of the
12 contract year and only during the first three consecutive school
13 years of employment as a principal by a school district; except
14 that if any such principal has been previously employed as a
15 principal by another school district in the state of Washington
16 for three or more consecutive school years the provisions of this
17 section shall apply only to the first full school year of such
18 employment.

19 This section applies to any person employed as an administrator
20 by a school district on June 25, 1976 and to all persons so
21 employed at any time thereafter. This section and section 5 or 7 of
22 this act provide(~~s~~) the exclusive means for transferring an
23 administrator to a subordinate certificated position at the
24 expiration of the term of his or her employment contract.

25 **Sec. 17.** RCW 28A.150.020 and 1969 ex.s. c 223 s 28A.01.060 are each
26 amended to read as follows:

27 "Common schools" means schools maintained at public expense in
28 each school district or under alternative arrangements for public
29 governance or administration pursuant to section 7 of this act and
30 carrying on a program from kindergarten through the twelfth grade
31 or any part thereof including vocational educational courses
32 otherwise permitted by law.

33 **Sec. 18.** RCW 28A.320.010 and 1969 ex.s. c 223 s 28A.58.010 are
34 each amended to read as follows:

35 A school district shall constitute a body corporate and shall
36 possess all the usual powers of a public corporation except as may

1 be provided pursuant to section 3, 5, or 7 of this act, and in
2 that name and style may sue and be sued and transact all business
3 necessary for maintaining school and protecting the rights of the
4 district, and enter into such obligations as are authorized
5 therefor by law.

6 **Sec. 19.** RCW 28A.320.015 and 1992 c 141 s 301 are each amended to
7 read as follows:

8 (1) Except as provided in section 3, 5, or 7 of this act, the
9 board of directors of each school district may exercise the
10 following:

11 (a) The broad discretionary power to determine and adopt
12 written policies not in conflict with other law that provide for
13 the development and implementation of programs, activities,
14 services, or practices that the board determines will:

15 (i) Promote the education of kindergarten through twelfth grade
16 students in the public schools; or

17 (ii) Promote the effective, efficient, or safe management and
18 operation of the school district;

19 (b) Such powers as are expressly authorized by law; and

20 (c) Such powers as are necessarily or fairly implied in the
21 powers expressly authorized by law.

22 (2) Before adopting a policy under subsection (1)(a) of this
23 section, the school district board of directors shall comply with
24 the notice requirements of the open public meetings act, chapter
25 42.30 RCW, and shall in addition include in that notice a
26 statement that sets forth or reasonably describes the proposed
27 policy. The board of directors shall provide a reasonable
28 opportunity for public written and oral comment and consideration
29 of the comment by the board of directors.

30 **Sec. 20.** RCW 28A.320.035 and 1997 c 267 s 1 are each amended to
31 read as follows:

32 (1) The board of directors of a school district may contract
33 with other school districts, educational service districts, public
34 or private organizations, agencies, schools, or individuals to
35 implement the board's powers and duties provided that such
36 contracts are consistent with any provisions which may be

1 implemented pursuant to section 7 of this act. The board of
2 directors of a school district may contract for goods and
3 services, including but not limited to contracts for goods and
4 services as specifically authorized in statute or rule, as well as
5 other educational, instructional, and specialized services. When a
6 school district board of directors contracts for educational,
7 instructional, or specialized services, the purpose of the
8 contract must be to improve student learning or achievement.

9 (2) A contract under subsection (1) of this section may not be
10 made with a religious or sectarian organization or school where
11 the contract would violate the state or federal Constitution.

12 **Sec. 21.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to
13 read as follows:

14 (1) Under the constitutional framework and the laws of the
15 state of Washington, the governance structure for the state's
16 public common school system is comprised of the following bodies:
17 The legislature, the governor, the superintendent of public
18 instruction, the state board of education, the academic
19 achievement and accountability commission, the educational service
20 district boards of directors, and local school district boards of
21 directors. The respective policy and administrative roles of each
22 body are determined by the state Constitution and statutes.

23 (2) Local school districts are political subdivisions of the
24 state and the organization of such districts, including the
25 powers, duties, and boundaries thereof, may be altered or
26 abolished by laws of the state of Washington or by the
27 superintendent of public instruction at the request of the
28 academic achievement and accountability commission pursuant to
29 section 7 of this act and RCW 28A.655.030 and 28A.300.040, except
30 that the superintendent of public instruction and the academic
31 achievement and accountability commission shall not be authorized
32 to alter school district boundaries.

33 **Sec. 22.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to
34 read as follows:

35 (1) It is the purpose of this chapter to:

1 (a) Incorporate into a single, comprehensive, school district
2 organization law all essential provisions governing:

3 (i) The formation and establishment of new school districts;

4 (ii) The alteration of the boundaries of existing districts;
5 and

6 (iii) The adjustment of the assets and liabilities of school
7 districts when changes are made under this chapter; and

8 (b) Establish methods and procedures whereby changes in the
9 school district system may be brought about by the people
10 concerned and affected.

11 (2) It is the state's policy that decisions on proposed changes
12 in school district organization should be made, whenever possible,
13 by negotiated agreement between the affected school districts. If
14 the districts cannot agree, the decision shall be made by the
15 regional committees on school district organization, based on the
16 committees' best judgment, taking into consideration the following
17 factors and factors under RCW 28A.315.205:

18 (a) A balance of local petition requests and the needs of the
19 statewide community at large in a manner that advances the best
20 interest of public education in the affected school districts and
21 communities, the educational service district, and the state;

22 (b) Responsibly serving all of the affected citizens and
23 students by contributing to logical service boundaries and
24 recognizing a changing economic pattern within the educational
25 service districts of the state;

26 (c) Enhancing the educational opportunities of pupils in the
27 territory by reducing existing disparities among the affected
28 school districts' ability to provide operating and capital funds
29 through an equitable adjustment of the assets and liabilities of
30 the affected districts;

31 (d) Promoting a wiser use of public funds through improvement
32 in the school district system of the educational service districts
33 and the state; and

34 (e) Other criteria or considerations as may be established in
35 rule by the state board of education.

36 (3) It is neither the intent nor purpose of this chapter to
37 apply to organizational changes and the procedure therefor

1 relating to capital fund aid by nonhigh school districts as
2 provided for in chapter 28A.540 RCW.

3 (4) This chapter is not intended to apply in any way to the
4 provisions implemented pursuant to section 5 or 7 of this act.

5 **Sec. 23.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to
6 read as follows:

7 As used in this chapter:

8 (1) "Change in the organization and extent of school districts"
9 means the formation and establishment of new school districts, the
10 dissolution of existing school districts, the alteration of the
11 boundaries of existing school districts, or all of them. "Change"
12 does not include any change implemented pursuant to section 7 of
13 this act.

14 (2) "Regional committee" means the regional committee on school
15 district organization created by this chapter.

16 (3) "State board" means the state board of education.

17 (4) "School district" means the territory under the
18 jurisdiction of a single governing board designated and referred
19 to as the board of directors.

20 (5) "Educational service district superintendent" means the
21 educational service district superintendent as provided for in RCW
22 28A.310.170 or his or her designee.

23 **Sec. 24.** RCW 28A.225.210 and 1990 c 33 s 235 are each amended to
24 read as follows:

25 Every school district shall admit on a tuition free basis all
26 persons of school age who reside within this state, and do not
27 reside within another school district carrying the grades for
28 which they are eligible to enroll: PROVIDED, That nothing in this
29 section shall be construed as affecting RCW 28A.225.220 ~~((or))~~,
30 28A.225.250, or section 5 or 7 of this act.

31 **Sec. 25.** RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2
32 are each reenacted and amended to read as follows:

33 (1) Any board of directors may make agreements with adults
34 choosing to attend school, and may charge the adults reasonable
35 tuition.

1 (2) A district is strongly encouraged to honor the request of a
2 parent or guardian for his or her child to attend a school in
3 another district or the request of a parent or guardian for his or
4 her child to transfer as a student receiving home-based
5 instruction.

6 (3) A district shall release a student to a nonresident
7 district that agrees to accept the student if:

8 (a) A financial, educational, safety, or health condition
9 affecting the student would likely be reasonably improved as a
10 result of the transfer; (~~or~~)

11 (b) Attendance at the school in the nonresident district is
12 more accessible to the parent's place of work or to the location
13 of child care; (~~or~~)

14 (c) The student transfer is authorized pursuant to section 7 of
15 this act; or

16 (d) There is a special hardship or detrimental condition.

17 (4) A district may deny the request of a resident student to
18 transfer to a nonresident district if the release of the student
19 would adversely affect the district's existing desegregation
20 plan. However, a district may not deny such a request for transfer
21 if the student is authorized to transfer to a nonresident district
22 pursuant to section 7 of this act.

23 (5) For the purpose of helping a district assess the quality of
24 its education program, a resident school district may request an
25 optional exit interview or questionnaire with the parents or
26 guardians of a child transferring to another district. No parent or
27 guardian may be forced to attend such an interview or complete the
28 questionnaire.

29 (6) Beginning with the 1993-94 school year, school districts
30 may not charge transfer fees or tuition for nonresident students
31 enrolled under subsection (3) of this section and RCW
32 28A.225.225. Reimbursement of a high school district for cost of
33 educating high school pupils of a nonhigh school district shall
34 not be deemed a transfer fee as affecting the apportionment of
35 current state school funds.

36 **Sec. 26.** RCW 28A.225.270 and 1990 1st ex.s. c 9 s 205 are each
37 amended to read as follows:

1 Each school district in the state shall adopt and implement a
2 policy allowing intradistrict enrollment options no later than
3 June 30, 1990. Each district shall establish its own policy
4 establishing standards on how the intradistrict enrollment options
5 will be implemented. However, in the event that a conflict exists
6 between the school district policy and actions required under this
7 act by the academic achievement and accountability commission and
8 the superintendent of public instruction under sections 4, 5, and
9 7 of this act, such actions shall supercede the applicable school
10 district policy.

11 NEW SECTION. Sec. 27. A new section is added to chapter 41.56
12 RCW to read as follows:

13 Any contract or agreement entered into by a school district
14 after the effective date of this act that is in conflict with the
15 effective implementation of any decision or action authorized
16 under this act is null and void with respect to the particular
17 provision of the contract or agreement that is in conflict with
18 this act.

19 NEW SECTION. Sec. 28. A new section is added to chapter 41.59
20 RCW to read as follows:

21 Any contract or agreement entered into by a school district
22 after the effective date of this act that is in conflict with the
23 effective implementation of any decision or action authorized
24 under this act is null and void with respect to the particular
25 provision of the contract or agreement that is in conflict with
26 this act.

27 **Sec. 29.** RCW 41.59.910 and 1975 1st ex.s. c 288 s 19 are each
28 amended to read as follows:

29 This chapter shall supersede existing statutes not expressly
30 repealed to the extent that there is a conflict between a
31 provision of this chapter and those other statutes. However, in the
32 event that a conflict exists between this chapter and this act,
33 this act shall supercede this chapter. Except as otherwise
34 expressly provided herein, nothing in this chapter shall be
35 construed to annul, modify or preclude the renewal or continuation

1 of any lawful agreement entered into prior to January 1, 1976
2 between an employer and an employee organization covering wages,
3 hours, and terms and conditions of employment. Where there is a
4 conflict between any collective bargaining agreement and any
5 resolution, rule, policy or regulation of the employer or its
6 agents, the terms of the collective bargaining agreement shall
7 prevail.

8 NEW SECTION. **Sec. 30.** RCW 28A.655.035 (Accountability policies--
9 Recommendations) and 1999 c 388 s 103 are each repealed.

10 NEW SECTION. **Sec. 31.** RCW 28A.655.050 (Reading goals--Mathematics
11 goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

12 NEW SECTION. **Sec. 32.** Section 31 of this act takes effect
13 September 1, 2001.

--- END ---

